

**IN THE UNITED STATES DISTRICT
FOR THE NORTHERN DISTRICT OF
INDIANA SOUTH BEND DIVISION**

INDIANA GRQ, LLC,

Plaintiff,

V.

AMERICAN GUARANTEE AND LIABILITY INSURANCE COMPANY, et al.,)

Defendants.

Cause No. 3:21-cv-00227-DRL-MGG

**PLAINTIFF INDIANA GRQ, LLC'S
MOTION FOR PARTIAL SUMMARY JUDGMENT REGARDING
THE \$30 MILLION FLOOD SUBLIMIT**

Plaintiff Indiana GRQ, LLC (“IRG”) files this Motion for Partial Summary Judgment Regarding the \$30 Million Flood Sublimit (“the Motion”) pursuant to Federal Rule of Civil Procedure 56, Local Rule 56-1, and the Court’s May 23, 2022 Order to establish as a matter of law that the \$30 million flood sublimit applies to IRG’s flood-related losses at its property at 701 Chippewa Avenue in South Bend, Indiana. This result is compelled by a straightforward reading of the insurance policy at issue in this action. The basis for this Motion is more fully stated in IRG’s Memorandum in Support of the Motion for Partial Summary Judgment Regarding the \$30 Million Flood Sublimit, incorporated herein by reference.

Dated: July 8, 2022

Respectfully submitted,

/s/ Mark E. Miller

Mark E. Miller

Brian G. Friel

William T. O'Neil

Benjamin W. Massarsky

MILLER FRIEL, PLLC

2445 M Street NW

Suite 910

Washington, DC 20037

Tel: (202) 760-3160

millerm@millerfriel.com

frielb@millerfriel.com

oneilw@millerfriel.com

massarskyb@millerfriel.com

and

Clint A. Zalas

LEE, GROVES AND ZALAS

54931 30th Street

South Bend, Indiana 46635

Tel: (574) 232-5923

cazalas@lgzlegal.com

Attorneys for Plaintiff

PLAINTIFF'S MEET AND CONFER CERTIFICATION

I hereby certify that on July 5, 2022, IRG and Defendants met and conferred in good faith by phone regarding the foregoing motion to discuss and narrow the issues subject to summary judgment. In attendance at the parties' July 5, 2022 telephonic meet and confer were:

David E. Schroeder
Tribler Orpett & Meyer, P.C.
225 W. Washington St., Suite 2550
Chicago, IL 60606
maorpett@tribler.com

Attorneys for Defendant Interstate

David E. Heiss
Hinshaw & Culbertson, LLP
151 N. Franklin Street, Suite 2500
Chicago, IL 60606
dheiss@hinshawlaw.com

Attorneys for Defendants American Guarantee and Liability Insurance Company, Starr Surplus Lines Insurance Company, Chubb Custom Insurance Company, General Security Indemnity Company of Arizona, Axis Surplus Insurance Company, Ironshore Specialty Insurance Company

Brian G. Friel
MILLER FRIEL, PLLC
2445 M Street NW, Suite 910
Washington, DC 20037
Tel: (202) 760-3160
frielb@millerfriel.com

Attorneys for Plaintiff

July 8, 2022

/s/ Benjamin W. Massarsky
Benjamin W. Massarsky

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Plaintiff Indiana GRQ, LLC's Motion for Partial Summary Judgment Regarding the \$30 Million Flood Sublimit, memorandum in support, statement of uncontroverted facts, declaration of William T. O'Neil, Esq and its accompanying exhibits, and proposed order were served electronically on the parties listed below this 8th day of July, 2022 via the Court's electronic filing system.

Peter E. Kanaris
David E. Heiss
Jennifer J. Kalas
Hinshaw & Culbertson, LLP
151 N. Franklin Street, Suite 2500
Chicago, IL 60606
dheiss@hinshawlaw.com
pkanaris@hinshawlaw.com
jkalas@hinshawlaw.com

Mitchell A. Orpett
David E. Schroeder
Tribler Orpett & Meyer, P.C.
225 W. Washington St., Suite 2550
Chicago, IL 60606
maorpett@tribler.com

Attorneys for Defendants

/s/ Benjamin W. Massarsky
Benjamin W. Massarsky